GOVERNMENT OF INDIA
URBAN EMPLOYMENT AND POVERTY ALLEVIATION
LOK SABHA

UNSTARRED QUESTION NO:1519
ANSWERED ON:01.08.2000
SUBLETTING OF LAND BY NON GOVERNMENTAL ORGANISATIONS
VILAS BABURAO MUTTEMWAR

Will the Minister of URBAN EMPLOYMENT AND POVERTY ALLEVIATION be pleased to state:

(a) whether the NGOs can sublet certain percentage of the covered area of the land leased out to them by the Government;

(b) if so, the details in this connection; and

(c) the details of the NGOs who have subletted thearea in excess than the prescribed norms in this regard alongwith the percentage of area subletted by them?

Answer

MINISTER OF URBAN DEVELOPMENT & POVERTY ALLEVIATION (SHRI JAGMOHAN)

(a): Any society allotted institutional land including NGO can subletcertain percentage of the built-up area with prior permission of the lessor subject to certain conditions.

(b): A copy of the relevant instructions is enlcosed as annexure.

(c): Information is being collected and will be laid on the Table of the House in due course of time.

ANNEXURE

ANNEXURE REFERRED TO IN REPLY TO PART (b) OF LOK SABHA UNSTARRED QUESTION NO.1519 FOR 01.08.2000.

Government of India
Ministry of Urban Development & Poverty Alleviation
(Lands Division)

No.J-13011/1/94-LD New Delhi, dated 10.12.99.

To

The Land & Development Officer,
Nirman Bhavan,
New Delhi.

Sub.: Allotment of land to various institutions use of premises.

Sir,

The undersigned is directed to refer to this Ministry`s letter No.344/94-LD dated 21.3.94 on the subject cited above and tosay that the question of modification of the guidelines on utilisation of land allotted for various institutional purposes and utilisation thereto has been under consideration of the Govt. It has now been decided to modify the existing guidelines as under:-

I. For future cases of subletting by institutions:

(i) These modifications to the guidelines shall apply prospectively. These guidelines will apply only to institutional allotments and will not cover the allotments made to Press or allotments made for commercial purposes.

(a) The maximum area that may be permitted for subletting, including the area which can be used for the purpose of residence of the functionaries of the allottee institution shall not exceed 40% of the total built-up area. The area which can be used for purpose of residence of the functionaries shall be upto 15% of the built up area subject to the maximum of 150 sq.mtr.

(b) In respect of subletting to the Government Department/ Organisations, subject to the aforesaid ceiling, the L&DO will not charge any share in the rent realised.

(c) In case of subletting to organisations of similar nature, 15% of the rent realised will be payable to the L&DO.

(ii) Any subletting/use of the premises beyond the aforesaid prescribed limit and without prior permission shall be treated as a breach. However, in case the area used for residential purpose for the functionaries of the allottee institution, no prior permission would be required provided the area so used is within the prescribed ceiling.

II. For past cases:

(i) Where subletting has taken place without prior permission, these will be regularised as under:-

(a) Similar organisations, 15% of the rent will be payable.

(b) In case of subletting to other organisations, rent will be payable as under:-

Sublet area	Rent payable
Upto 25% of the built up area	25%
More than 25% but upto 40% of the built up area.	40%
More than 40% of the built up area	Misuse charges for the excess area.

(ii) In all cases of subletting/misuses, the allottee institutions will be required to bring down the percentage of the total sublet area and also the area which can be sublet for various purposes as per para 3A(I)(a) above within 2 (two) years. This can be done by achieving full FAR or by evicting existing tenants or both. In case, this is not complied with, the property will be re-entered.

(III) The term `rent` would mean the rent as shown in the rent deed or the fair rent as determined by CPWD, whichever is higher.

2. The above instructions will take effect from the date of issue and the past cases, if any, decided otherwise will not be reopened.

3. This issues with the concurrence of the Finance Division vide their I.D. No.1248-F dated 22.7.99.

Yours faithfully,

Sd/-
(Labh Singh Chane)
Deputy Secretary to the Govt. of India
Tel.No.301 9951